

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB173

Hearing Date: Wednesday January 21, 2009
Committee On: Health and Human Services
Introducer: Gay
One Liner: Provide for relabeling and redispensing of prescription drugs at certain correctional facilities

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents: Senator Gay Jon Edwards Kent Giffith	Representing: Introducer NACO Lancaster County Department of Corrections
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Opponents: Joni Cover	Representing: Nebraska Pharmacists Association
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 173 provides for the relabeling and redispensing of prescription drugs in correctional settings. The bill is a re-introduction of LB 759 (2007), introduced by Senator Hudkins and advanced by the Health and Human Services Committee with amendments. LB 173 contains, in most respects, the provisions of LB 759 as amended by the committee.

The bill provides that prescription drugs or devices that have been delivered to the Department of Correctional Services (DCS), a criminal detention facility, a juvenile detention facility, or a jail for dispensing to a patient at such facility or jail pursuant to a valid prescription, but that are not dispensed or administered to the patient, may be delivered to a pharmacist or pharmacy under contract with the correctional facility or jail for relabeling and redispensing pursuant to a valid prescription.

Exceptions are provided: (1) the decision to accept delivery of the drug or device rests solely with the contracting pharmacist or pharmacy, (2) the drug or device must have been in the control of the health center, correctional facility, or jail at all times, (3) the drug or device must be in its original and unopened labeled container with a tamper-evident seal intact, and bear the expiration date or calculated expiration date and lot number, and (4) the relabeling and redispensing is not otherwise prohibited by law.

The bill requires the Jail Standards Board, in consultation with the Board of Pharmacy, to adopt and promulgate rules and regulations to carry out the bill's provisions, including, but not limited to, rules and regulations relating to (a) persons authorized to administer the prescription drug or device to a patient and (b) the proper storage and protection of the drug or device consistent with the directions contained on the label or package insert provided by the pharmacist or pharmacy for the drug or device.

The bill provides immunity from civil or criminal liability or professional disciplinary action to any person or entity

exercising reasonable care in accepting, distributing, or dispensing prescription drugs under the bill.

Explanation of amendments:

The committee amendment (AM 733) replaces the bill as introduced but retains the substantive content of the original bill. The amendment:

1. Makes technical changes.
2. Permits the return of prescription drugs and devices to the dispensing pharmacy for credit, in addition to relabeling and redispensing.
3. Prohibits controlled substances from being returned for credit, relabeling, or redispensing.
4. Expands and revises duties of the Jail Standards Board (board). The amendment requires the board to adopt and promulgate rules and regulations for contracts relating to relabeling, redispensing, or providing credit for returned drugs and devices. The amendment provides additional subject matter for required rules and regulations, including (1) education and training of persons authorized to administer the prescription drug or device to a prisoner or detainee, (2) limits on quantity to be dispensed, (3) transferability of drugs for prisoners or detainees between facilities, (4) container requirements, (5) establishment of a drug formulary, and (6) fees for the dispensing pharmacy to accept the returned drug or device.

Tim Gay, Chairperson